IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 788 (MS) OF 2006

Km. Kavita Pande, D/o Sri Govind Ballabh Pande,
R/o Village-Lamai, P.O. Champawat, District Champawat.

.....Petitioners.

Versus

1. Kumaon University, Nainital, through its Vice Chancellor.
2. Registrar, Kumaon University, Nainital.
3. Head of the Department, Department of Pharmacy, Bhimtal, Kumaon University, Nainital.

.....Respondents.

Dated: 23.06.2006

Hon'ble Rajesh Tandon, J.

Heard Menka Tripathi, Advocate for the petitioner and Sri B.D. Upadhyay, Advocate for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to declare the result of the petitioner of back paper examination of IInd year B.Pharma Course in accordance with the provisions of new ordinance.

Briefly stated, the petitioner took admission in the B. Pharma of the Pharmacy Department of the Kumaon University for the year, 2003-04 after the counseling was made, as will appear from Annexure – 1 letter dated 3.11.2003.

The petitioner has submitted that in a few subjects in the IInd year course, she applied for improvement examination and by that time, she has taken admission in III year B. Pharma Course for which she has deposited a sum of Rs. 62,000/-. The petitioner again got supplementary in the IIIrd year examination when the result of the petitioner was not

declared and she has not been allowed the supplementary examination of IIIrd year course, she went to the authorities concerned.

The grievance of the petitioner is that when she has taken her examination of II year ion accordance with the old ordinance then whey did the University ask her to take the examination of back paper of II year as per the new ordinance and if the new ordinance had to be made applicable on her then the marking also should have been done according the new ordinance, which was not done in her case and the University took the stand as per its own convenience.

The petitioner has represented to the Vice Chancellor on 18.10.2005 and 21.10.2005 but to no consequence.

The petitioner has confined his prayer for disposal of the representation (Annexure No. 12 to the writ petition). Both the parties have agreed that let the representation filed by the petitioner be disposed of within a period of one month.

The petitioner has submitted that the ordinance as mentioned in Annexure-11 to the writ petition, the same may also be taken into consideration while deciding the representation of the petitioner.

However, the petitioner is directed to file a detailed representation along with ordinance which is applicable according to him within a period of one week from the date of presentation of the certified copy of the order, and the respondent shall dispose of the same within a month thereafter.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

23.06.2006
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